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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

**OLLEN G. COLBERT, Jr.,**

Plaintiff,

vs.

**CINERGY , AND THE CINCINNATI GAS  
AND ELECTRIC COMPANY, et al.,**

Defendants.

Case No.: 1:00-cv-00909

Magistrate Judge Timothy Hogan

**AMENDED**  
**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that Plaintiff, Ollen G. Colbert, Jr. by and through Counsel, will take the Deposition of Donald Bricking, as if on cross, on December 10, 2004, commencing at 9:00 a.m. and continuing until completion. The Deposition will be held at the offices of Cinergy, and The Cincinnati Gas and Electric Company, et. al., Defendants, 139 East Fourth Street, Atrium II Building, 25<sup>th</sup> Floor, Cincinnati, OH 45201.

Deponent is required to produce the following documents at his deposition:

1. Each and every discipline warning, note, memorandum, letter or document of any kind that he wrote during his supervision of Ollen G. Colbert, Jr.

2. Each and every discipline warning, note, memorandum, letter or document of any kind that he relied upon in termination of Ollen G. Colbert, Jr.

3. Each and every discipline warning, note, memorandum, letter or document of any kind that he has written on any employee, other than Ollen G. Colbert, Jr. during his period as supervisor, up to and including the termination date of Ollen G. Colbert, Jr.

4. The copy of the discipline policy that appears in the Cincinnati Gas and Electric Company Handbook that you followed in disciplining Plaintiff .

5. The copy of the Union Agreement between Cincinnati Gas and Electric Company and the Union that you followed for grievance hearings that were held concerning your discipline notes on Plaintiff's behavior and performance.

Dated this 8<sup>th</sup> day of December, 2004.

/s/ Rose Ann Fleming  
Rose Ann Fleming  
Bar Id. #0041337  
ROSE ANN FLEMING, P.C.  
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Suite 13  
Cincinnati, OH 45207  
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Attorney for Plaintiff

**CERTIFICATE OF ELECTRONIC SERVICE**

**I HEREBY CERTIFY** that December 8, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Ariane S. Johnson, Esq.  
Attorney for Defendant Cinergy and The Cincinnati Gas and Electric Company  
Cinergy Services Inc.  
1000 East Main Street  
Plainfield, IN 46168  
and  
Jerry A. Spicer, Esq.  
Snyder, Rakay & Spicer  
11 W. Monument Building  
Suite 307  
Dayton, OH 45402

and I HEREBY CERTIFY that I have delivered by hand a copy of this Notice with a subpoena, *sub duces tecum* to Deponent as follows: Donald Bricking, Brecon Services, 7300 East Kemper Road, Cincinnati, Ohio 45249 ON THE 8<sup>th</sup> day of December, 2004.

/s/ Rose Ann Fleming  
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